

DETAILED ACTION

Claims 1, 3-5, 7-8 are presented for examination. Applicant filed an amendment on 5/27/2008, amending claims 1, 3-5, 7 and canceling claims 2 and 6. New Grounds of rejection of claims 1, 3-5, 7-8 using the same reference that were used in the previous non-final rejection of claims 1-8 necessitated by Applicant's amendment are established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bucci (US 6,786,400) in view of Bueche (US 6,834,269)

As per Claims 1, 5

Bucci ('400) discloses,

a consumer depository account (checking account) maintained by a first (second) financial institution holding funds on behalf of said consumer, see Fig 3 (345, 350) and column 2, lines 6-9.

a payment card (multifunctional card) for conducting one or more transactions and incurring charges associated with each such transaction, said card being issued to said consumer by a second (first) financial institution, see column 2, lines 2- 9.

said card further being linked to said depository account (checking account) maintained at said first institution for covering said charges, see column 2, lines

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6-14 and column 4, lines 20-23.

Bucci ('400) does not specifically disclose deducting means for automatically deducting from said depository account on a periodic basis an amount to pay a portion or all of said charges. Bueche ('269) teaches deducting means for automatically deducting from said depository account (checking account) on a periodic basis an amount (monthly service fee) to pay a portion or all of said charges, see column 4, lines 60-64. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bucci's invention to include deducting means for automatically deducting from said depository account on a periodic basis an amount to pay a portion or all of said charges. One of the ordinary skill in the art would be motivated to do so, for the benefit of saving time and preventing late payment.

As per Claims 3, 7

Bucci ('400) further discloses a credit limit is associated with said card, which limit is reduced based on said charges, and refreshed automatically as a function of said deducting means, see column 11, lines 4-5. (It is inherent that credit card has a credit limit and the limit (the amount you are allowed to spend) is reduced every time you use it to purchase something. It is also inherent that credit card limit is refreshed automatically every month)

Claims 4, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bucci (US 6,786,400) in view of Bueche (US 6,834,269), and further in view of Weissman (US 6,353,811)

As per Claims 4, 8

Bucci ('400) does not specifically disclose billing means operated by said second financial institution for periodically informing said consumer of said charges made on the card and of the amount received from said consumer depository account to cover said charges. Weissman ('811) teaches billing means (billing statement) operated by said second financial institution for periodically informing said consumer of said charges made on the card and of the amount received from said consumer depository account to cover said charges, see Abstract of Weissman (lines 17-22) and Fig 2A. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bucci's invention to include billing means operated by said second financial institution for periodically informing said consumer of said charges made on the card and of the amount received from said consumer depository account to cover said charges. One of ordinary in the skill would be

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motivated to do so, for the benefit of allowing customers to keep track of the balance and avoiding over-spending.

Response to Arguments

Applicant's arguments filed 5/27/2008 have been fully considered but they are not persuasive.

As to claim 1, Applicant argues that Bucci and Bueche do not disclose "deducting means for automatically deducting from said depository account periodically an amount to pay a portion or all of said charges." The Examiner disagrees. Bueche teaches deducting means for automatically deducting from said depository account (checking account) on a periodic basis an amount (monthly service fee) to pay a portion or all of said charges, see column 4, lines 60-64. A fair reading of the teachings of Bueche would lead one of ordinary skill in the art to recognize that automatic deductions in general are old and well-known.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Bucci and Bueche are directed toward conducting transaction using credit line or funds in an account, see Abstract lines 2-4 (Conduct a transaction using either a credit line or funds in an account) and column 4, lines 60-64 of Bueche (The purchaser may charge the computer system to her credit card, make provisions to have a monthly ISP service fee automatically deducted from her checking account). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Bucci's banking system to include Bueche's automatic deduction. One would be motivated to do so for the benefit of allowing purchases to be paid automatically using funds from the depository account so that customers don't have to worry about forgetting to pay for bills. Weissman, too, is directed toward conducting transaction using credit line or funds in an account, see column 2 lines 35-40 of Weissman (allow credit holder to specify each sub-account to which each payment is to be allocated). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Bucci's banking system to include Weissman's billing statement. One would be motivated to do so for the benefit of customers to use keep track of the balance and avoiding over-spending.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIA-YI LIU whose telephone number is (571)270-1573. The examiner can normally be reached on Mon-Thur alternating Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CHIA-YI LIU
Examiner
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/Susanna M. Diaz/
Primary Examiner, Art Unit 3692